

MONTGOMERY COUNTY
FIRE AND RESCUE COMMISSION

MINUTES

JULY 13, 2000

EXECUTIVE OFFICE BUILDING LOBBY AUDITORIUM
Rockville, Maryland

COMMISSIONERS PRESENT:

Gordon A. Aoyagi, Chair
Anita Powell, Vice Chair
Fernando Bren
Robert Freeman
Leonard J. Marco
Ronald Ogens
Tom Carr

STAFF PRESENT:

George Giebel, Acting Staff Director
Beth Feldman, Administrative Specialist
Annette Cheng, Office Services Coordinator
Richard Melnick, OCA

OTHERS PRESENT:

Neil Shorb, MCFRS
Amy Davis, IAFF Local 1664
Bill Wells
Eileen Queenin, DFRS
Chief William Hinde, Rockville VFD
Chief Roger W. Strock, DFRS
Chief David S. Dwyer, DVFRS
District Chief Randy Wheeler, DFRS
Assistant Chief Roger McGary, DFRS
Jo and Don Phillips, Kensington VFD
President Kenneth Day, Hyattstown VFD
President Eric Bernard, Rockville VFD
Joe Moore, Rockville VFD
Scott Gutschick, MCFRS-RPU
Chief Dennis Urban, Bethesda FD
Duty Chief Eric Stromberg, Cabin John Park VFD
Darlene Flynn, MCFRS
Cheryl Reed, MCFRS
District Chief Buddy Ey, MCFRS-RPU
John Ferguson III, Rockville VFD/MCVFRA
Richard Holzman, MCCFROA
President Kenneth Fisher, Gaithersburg-Washington Grove VFD
Marcine Goodloe, MCFB
John Rives, Wheaton VRS
District Chief Mike Clemens, DFRS
Chief Doug Edwards, Hyattstown VFD
District Chief Steven Lohr, DFRS

100 - CALL TO ORDER

The meeting of the Fire and Rescue Commission was called to order by Chairman Aoyagi at 7:12 p.m. in the Lobby Auditorium of the Executive Office Building in Rockville, Maryland.

Chair Aoyagi reported Commissioner Sterling requested an excused absence for tonight's meeting.

Fire Administrator Aoyagi announced that per Maryland State Government Article § 10-508(a)(1), The Commission held a closed session on June 8, 2000 at 9:43 p.m. in the Auditorium of the Executive Office Building, Rockville, Maryland. In attendance were Fire Administrator Aoyagi and Commissioners Bren, Carr, Freeman, Marco, Ogens and Powell; Mr. Shorb and Mrs. Hale of the Commission staff. The motion to adjourn to a closed session was made by Commissioner Ogens, seconded by Commissioner Marco and passed. One personnel matter was discussed.

102- Comments – Fire and Rescue Commissioners

Commissioner Bren reported that he had attended the Maryland State Firemen's Association annual convention in June and is looking forward to attending the convention again next year.

103- Report of the Chairman

- Temporary Personnel Change

Fire Administrator Aoyagi reported that Neil Shorb is the acting Administrative Service Coordinator for the MCFRS while Richard Riffe is recuperating from a back surgery, and George Giebel is the acting Staff Director for the Fire and Rescue Commission.

- Quarterly Meeting with the County Executive

Fire Administrator Aoyagi reminded the Commissioners that the quarterly meeting with the County Executive will occur on July 20 at 4:00PM.

- Meeting with the Council of Public Safety Committee

Fire Administrator Aoyagi reported the County Council's Public Safety Committee requested that we appear before them with the following reports:

- Annual EMBRS report
- Summary of action that the FRC took on the LOSAP program
- Update on WSSIWG Report
- Update on the outcome of the Strategic Planning Convocation

- Update on the Maryland State Firemen's Association Convention

Fire Administrator Aoyagi reported that Peggy Webb from Hyattstown VFD was elected Chair of the Ladies Auxiliary of the Maryland State Firemen's Association. Carl Edelin from Kensington VFD was honored for his successful past term as Chair of the Maryland State Firemen's Association. The MCFRS Honor Guard won first place in the State competition for Honor Guards.

- Fire Administrator's letter to the Commissioners on the FRC Appeal Process

The Fire Administrator reported that the MCFRS received an appeal and that Vice-Chair/Commissioner Powell is currently handling the issue. Fire Administrator Aoyagi stated that he is not aware of the content of that appeal.

- Fire Administrator's letter – Reference Senator William Amoss Funds

Fire Administrator Aoyagi reported that Montgomery County has received an allocation of \$12,095.71 from other Maryland counties because of their failure to meet the requirements for maintenance of effort provisions. This amount increases the current balance of Senator Amoss Funds to approximately \$240,000. Upon receipt of the recommendation of the Senator Amoss Funds committee, the FRC will consider the recommended allocations and forward its recommendations to the County Executive and County Council.

- County Council Confirmation on the Reappointments of Robert Freeman and Anita Powell to the FRC

Fire Administrator Aoyagi congratulated Commissioners Freeman and Powell on their reappointment to serve as members of the FRC for an additional three-year term.

- Fire and Rescue Commission By-Laws – Election of Vice-Chair

Fire Administrator Aoyagi reported the FRC may choose to adhere to the FRC By-laws regarding the election of a vice-chair at the first meeting in August of each year, or it may specify a different date for its election.

A MOTION was made by Commissioner Carr to proceed with the election of a vice-chair in accordance with the By-Laws at the August Meeting. MOTION SECONDED by Commissioner Bren.

Commissioner Powell requested to delay the election of vice-chair since she did not have the opportunity to serve for a full-term of 12 months. Commissioner Freeman commented that she had just been appointed to serve an additional three year term as Commissioner and she would have another opportunity to serve as vice-chair again.

Commissioner Ogens suggested that the Commission should resume electing the vice-chair in August. Commissioner Ogens noted that the election was held in August when he was Commissioner in 1980 and that the Commission should make every effort to comply with its by-laws.

Commissioner Bren advised that the existence of the appeal should not interfere with the election of a vice-chair; Commissioner Freeman concurred.

A MOTION was made by Commissioner Carr to proceed with the election of a vice-chair at the August meeting in accordance with the Fire and Rescue Commission By-laws. MOTION SECONDED by Commissioner Bren and PASSED with Commissioners Bren, Carr, Freeman, Marco and Ogens voting for the motion and Commissioner Powell voting against.

Fire Administrator Aoyagi appointed a nominating committee consisting of Commissioners Carr and Sterling to nominate a Vice-Chair at the August FRC meeting.

104- Approval of Minutes of June 8, 2000 Meeting

A MOTION was made by Commissioner Ogens to approve the minutes of June 8, 2000 meeting of the Fire and Rescue Commission. MOTION SECONDED by Commissioner Marco and PASSED unanimously.

200- CONSENT CALENDAR

Commissioner Marco reported that the Hyattstown VFD requested to defer the discussion of its vehicle disposition (item 202a) to the August FRC meeting.

Commissioner Carr requested item 202b – Vehicle Disposition of the Kensington VFD be pulled from the consent calendar for discussion.

201- Creation of Box Area 27-1

A MOTION was made by Commissioner Marco to approve item 201 – Creation of Box Area 27-1 of the Consent Calendar. MOTION SECONDED by Commissioner Ogens and PASSED unanimously.

202a- Vehicle Disposition - Kensington

Mr. Shorb reported Mr. Lamphier suggested the Kensington VFD be allowed to retain Reserve Pumper #1832005 within its fleet as a reserve pumper for County-wide use until the Finance, Technology and Planning Committee can review and develop a policy recommendation on the reserve fleet.

A MOTION was made by Commissioner Ogens to allow the Kensington VFD to retain Reserve Pumper #1832005 within its fleet as a reserve pumper for County-wide use, subject to the FTP Committee's analysis of reserve apparatus needs, or an earlier decision of the FRC. MOTION SECONDED by Commissioner Marco and PASSED unanimously.

300- FIRE AND RESCUE COMMISSION COMMITTEE REPORTS

301- Operations

Committee Chair Ogens reported that as a result of the change in its meeting schedule, the Operations Committee met on July 26, 2000.

Fire Administrator Aoyagi reported that a draft policy of the Standard Apparatus Identification Graphic Design for County Owned Fire and Rescue Service Vehicles policy was distributed at tonight's meeting. Additional copies will be sent out to the field for a 30-day comment period. The Fire Administrator referred this item to the Operations Committee to discuss at its August meeting.

302- Human Resources, Safety and Training

Committee Chair Powell reported the Human Resources, Safety and Training Committee met on July 10, 2000. Items discussed at the meeting were: the Reassignment of LOSAP Program Responsibility; the revised proposed draft policy for Code of Ethics and Personal Conduct Regulation; the proposed revised draft policy for Criminal Background Checks for Volunteer Applicants; an update on the volunteer medical standards; driver training; the wellness initiative, and fire and rescue community day.

Commissioner Carr reported that we have signed a contract with MED-TOX. Mr. Gene Carmean will be available to start the study on Volunteer EMS providers in August. Commissioner Carr will meet with Ms. Goodloe to establish a date for Mr. Carmean's arrival to start the process sometime in September.

303- Finance, Technology and Planning

Committee Chair Bren reported the FTP Committee met on June 15, 2000. The Finance Subcommittee's task group on Senator Amoss Funds is formulating a scope for the long term issues impact implications of the Senator Amoss Funds. The Finance Subcommittee's Apparatus Acquisition task group has also met to discuss the proposed draft policy for the Acquisition of Fire and Rescue Vehicles with Non-Tax Funds. The Planning Subcommittee reported that the construction of the Germantown East and West stations were being delayed for another year.

400- **BUSINESS ITEMS**

401- Water Supply Study Implementation Work Group Final Report

Chief Urban gave a synopsis of the Water Supply Study Implementation Work Group's report.

A MOTION was made by Commissioner Ogens to approve the Water Supply Study Implementation Work Group's Final Report in concept, with the understanding that water supply projects would compete each year for funding with all other MCFRS projects during annual budget deliberations. MOTION SECONDED by Commissioner Carr and PASSED unanimously.

Fire Administrator Aoyagi expressed his appreciation to District Chief Lohr, Assistant Chief Guercio, Chief Urban, President Fisher, Chief Cameron, Commissioner Freeman, Mr. Gutschick, and District Chief Ey for their hard work and commitment to the WSSIWG study.

402- FY00 Senator William H. Amoss Fire, Rescue and Ambulance Fund

A MOTION was made by Commissioner Marco to approve the allocation of \$60,000 as recommended by the Senator Amoss Fund Committee to the Gaithersburg-Washington Grove VFD and the Glen Echo VFD. MOTION SECONDED By Commissioner Bren and PASSED unanimously.

- Kensington VFD

Fire Administrator Aoyagi reported that the Kensington VFD requested the disposal of the 1967 Jeep be deferred to the August FRC meeting for discussion.

- Laytonsville VFD

Fire Administrator Aoyagi advised that the Laytonsville VFD withdrew its request to purchase a 1992 Jeep Cherokee.

404- Interim Procedures for Appeals

Fire Administrator Aoyagi reported that staff has drafted a proposed Interim procedure for FRC Appeals. This draft establishes an interim procedure for use until the FRC completes the process of adopting an Executive Regulation establishing permanent procedures for appeal hearings, as required by Section 21-7.

The FRC suggested the following changes to the proposed draft Interim procedure for FRC Appeals:

- resolution: add a paragraph stating *“the FRC may review at any time, or from time to time, the Interim Procedure for Appeals policy, which will be in force for a period not to exceed one year. The FRC must approve a permanent regulation, per Chapter 21-7 of the Montgomery County Code.”*
- page 1- charging document: add a sentence *“ ten copies of the charging document must be provided to the Commission at the time the charging document is submitted.”*
- page 7, sec.4: add item d that states: *d. the presiding officer of the hearing authority will be a voting member, and is counted toward establishing a quorum*
- page 10, sec.6.g: add *and upon approval of the FRC after governing laws*
- page 10, sec.6: add *(h) whenever the provisions of the Interim Procedure for FRC Appeals conflict with Montgomery County Code sec.21-7, the provisions of sec.21-7 will apply.*

Mr. Joe Moore of the Rockville VFD requested a 30-day comment period to review the interim appeal procedure.

A MOTION was made by Commissioner Ogens to approve Resolution FY01-01 for the Interim Procedure for FRC Appeals Hearings as amended, and that the FRC review at any time, or from time to time, the Interim Procedure for Appeals Policy, but not to exceed one year from the adoption of the policy. MOTION SECONDED by Commissioner Carr and PASSED unanimously.

405- Strategic Planning Convocation Report

District Chief Ey presented the Commissioners with a summary of the Strategic Planning Convocation. Handouts were distributed.

500- FIRE AND RESCUE SERVICES REPORTS

501- DVFRS Chief

Chief Dwyer reported the passing of Captain Bob Simmons of Glen Echo FD, and Assistant Chief Vince Scafidi of Kensington VFD.

He also reported that Carl Edelin completed his term as President of the Maryland State Firemen's Association and Paul Sterling completed his term as Chair of Executive Committee of the Maryland State Firemen's Association as well.

Chief Dwyer advised that Peggy Webb was elected President of the Maryland State Ladies' Auxiliary.

502- DFRS Chief

Chief Strock reported that Assistant Chief Fitch will retire in October, 2000 and District Chief Tetlow will retire in August. He also reported the second annual Total Team Challenge Day took place on June 25, 2000. The Fire Administrator's team won first place.

503- Report of the Fire Board

Vice-Chair Bernard of the Fire Board expressed his appreciation to Commissioners Freeman and Marco for holding an evening meeting to discuss the Acquisition of Fire and Rescue Vehicles with Non-tax Funds. He reported there was an excellent volunteer participation at the Maryland State Firemen's Association in Ocean City.

Vice-Chair Bernard the Fire Board elected Andy White as Chair and Eric Bernard as Vice-Chair of the Fire Board.

504- Report of the Montgomery County Volunteer Fire and Rescue Association

Dr. Wilson expressed his appreciation to the Commissioners who attended the Maryland State Firemen's Association convention in Ocean City.

505- Report of the Montgomery County Career Fire Fighters

There was no report.

A MOTION was made by Commissioner Carr to adjourn the meeting and recess the Commission into Executive Session. MOTION SECONDED by Commissioner Bren and PASSED unanimously.

FRC Meeting
July 13, 2000

The meeting was adjourned at approximately 9:20 p.m.

Respectfully submitted,

Gordon A. Aoyagi,
Fire Administrator